

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CASE NO. CV 10-03561 WA (DMR)

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME FOR
DEPOSITIONS OF TIMOTHY
BRAY AND JOHN RIZZO**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William Alsup

STIPULATION

WHEREAS, the Court's order of November 14, 2011 (Dkt. No. 617) required that Oracle designate three interviewees for deposition, and that those three depositions be completed by November 22, 2011; and

WHEREAS, on November 15, 2011, Oracle informed Google that it wanted to take the depositions of Timothy Bray, John Rizzo, and Dan Bornstein; and

WHEREAS, on November 16, 2011, Google offered Mr. Bornstein for deposition on Monday, November 21, 2011; and

WHEREAS, on November 17, 2011, Oracle accepted that offer and agreed take Mr. Bornstein's deposition on November 21, 2011; and

WHEREAS, prior to the Court's November 14, 2011 order, the parties had scheduled the interviews of Google employee Timothy Bray and third party John Rizzo for November 30, 2011; and

WHEREAS, Mr. Bray is currently traveling in Asia and will not be returning to the United States until after the Court's deadline of November 22, 2011; and

WHEREAS, because Mr. Rizzo is not a Google employee, his day-to-day availability for proceedings in this case is not subject to Google's control, but Mr. Rizzo had voluntarily agreed to accept service of a deposition subpoena and sit for deposition on November 30, 2011, and Oracle had issued a deposition subpoena to Mr. Rizzo for that date; and

WHEREAS, accordingly, on November 16, 2011, Google proposed to Oracle that, subject to Court approval, the depositions of Mr. Bray and Mr. Rizzo should take place on the previously agreed date of November 30, 2011; and

WHEREAS, on November 17, 2011, Oracle agreed to accommodate Mr. Bray's and Mr. Rizzo's schedules by deposing those witnesses on November 30, 2011; and

WHEREAS, the parties acknowledge and agree that a limited extension of time to depose Mr. Bray and Mr. Rizzo will not affect, delay, or push back any other deadlines in this case or cause any prejudice to either Google or Oracle.

NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE that:

1. The deadline for completing the depositions of Timothy Bray and John Rizzo should be extended from November 22, 2011 to November 30, 2011.
2. No other deadlines in this case will be affected by the foregoing extension. The parties will not use this extension to argue for a delay of any other deadlines in this case.

~~PROPOSED~~ ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: November 18, 2011.

Honorable William Alsup
Judge of the United States District Court



Dated: November 17, 2011

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ATTESTATION

I, Daniel Purcell, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR DEPOSITIONS OF TIMOTHY BRAY AND JOHN RIZZO. In compliance with General Order 45, X.B., I hereby attest that Steven C. Holtzman has concurred in this filing.

Date: November 17, 2011

/s/ Daniel Purcell

DANIEL PURCELL